

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

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**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
TELECONFERENCE MEETING MINUTES**

Thursday, May 15, 2014

Board Member(s) Present

Richard Bookwalter

Jeff Ferro

Linda Florey

Kathay Lovell

Nancy Michel

Denise Miller

Sharon Pavlovich

Board Staff Present

Heather Martin, Executive Officer

Kyle Muteff, Legal Counsel

Jeff Hanson, Program Analyst

Jody Quesada, Office Technician

12:30 pm - Board Meeting

1. Call to order, roll call, establishment of a quorum.

President, Denise Miller called the meeting to order at 1:01 pm. Secretary, Linda Florey called roll; a quorum was established.

2. Introduction and swearing in of new Board Members: Richard Bookwalter and Jeffrey Ferro.

President, Denise Miller swore in new Members Richard Bookwalter and Jeff Ferro.

3. President's remarks.

Denise Miller welcomed Jeff and Richard to the Board and thanked Governor and Assembly Speaker for the appointments.

4. Board member updates/activities.

Sharon Pavlovich reported that she had been accepted to the Harvard Macy Institute's Program for Educators in the Health Professions and looked forward to traveling to Boston the following week.

Denise Miller said she attended the American Occupational Therapy Association (AOTA) conference in Baltimore where she received the Lindy Boggs award, a political advocacy award. Ms. Miller stated that there was a lot of focus on telehealth and occupational therapists practicing in primary care.

Jeff Ferro stated that he was a public member appointed by the Assembly Speaker's Office, and worked for a labor union. Mr. Ferro said he anxiously awaited the opportunity to meet the other Board members and he looked forward to helping out and working the State's business on behalf of the consumers.

Richard Bookwalter stated that he has been an occupational therapist (OT) for eighteen years and works for Kaiser Northern California and is glad to be a part of the Board.

Linda Florey, Kathay Lovell, Nancy Michel had nothing to report.

5. Consideration and modification or adoption of proposed regulatory language to amend Title 16, CCR Section 4110, Application, Section 4112, Review of Application, Section 4120, Renewal of License or Certificate – Forms, Section 4121, Renewal of Expired License or Certificate, Application, Fees; Effective Date of Renewal, Section 4123, Limited Permit, and Section 4127, Inactive License.

Heather Martin explained that the language was reviewed at the February Board meeting and direction was given to her and Legal Counsel, Kyle Muteff to come back and discuss the language including Mr. Muteff presenting legal reasons why he believed the amendments were not necessary and why this was something that can be accomplished by Board staff without amending the regulations.

Legal Counsel, Kyle Muteff stated that he reviewed the proposed military language and he did not think it would pass the review by the Office of Administrative Law (OAL), due to lack of clarity. Mr. Muteff further explained that the language was unnecessary because the statute already stated the Board's obligation to do the exact things that are outlined in the noticed language. Mr. Muteff recommended that the language be removed so as to not hold up the remaining regulatory edits in the package.

Mr. Muteff asked that the Board consider amending the second modified draft language in CCR Section 4110, to read "or by providing the same information via on-line submission, if available,..."

- ❖ Richard Bookwalter moved to adopt the language with the modifications recommended by Mr. Muteff.
- ❖ Nancy Michel seconded the motion.

No Public Comment

Roll Call Vote

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|--------------------|-----|
| Richard Bookwalter | Aye |
| Jeff Ferro | Aye |
| Linda Florey | Aye |
| Kathay Lovell | Aye |
| Nancy Michel | Aye |
| Denise Miller | Aye |
| Sharon Pavlovich | Aye |

The motion was adopted.

- ❖ Nancy Michel moved to delegate authority to the Executive Officer to adopt the language barring receiving any negative comments and the authority to make any technical, non-substantive changes.
- ❖ Kathay Lovell seconded the motion.

No Public Comment

Roll Call Vote

| | |
|--------------------|-----|
| Richard Bookwalter | Aye |
| Jeff Ferro | Aye |
| Linda Florey | Aye |
| Kathay Lovell | Aye |
| Nancy Michel | Aye |
| Denise Miller | Aye |
| Sharon Pavlovich | Aye |

The motion was adopted.

6. Discussion and possible action regarding proposed legislation, including:

a) Senate Bill (SB) 626 (Beall), Workers' Compensation.

Heather Martin explained that this was a two-year bill, not amended since last year, and died in Committee last month.

b) SB 1445 (Evans), Developmental Services: Regional Centers...Telehealth.

Heather Martin reported that this bill was amended in April 2014. Ms. Martin asked the Board if they wanted to establish a position on this bill.

The Board members asked Ms. Martin to watch this bill and bring the latest version to the next Board meeting.

c) Assembly Bill (AB) 809 (Logue), Telehealth.

Heather Martin reported that this bill was amended June 25, 2013.

The Board members asked Ms. Martin bring the latest information to the next Board meeting.

Discussion ensued amongst the Board members regarding consumer consent as it relates to telehealth.

d) AB 1890 (Chau), Athletic Trainers.

President, Denise Miller asked if any of the public wanted to speak on the issue. Mike Chisar, MPT, ATC, Governmental Affairs Committee Chair of the California Athletic Trainers Association obliged.

Heather Martin explained that this is a bill for Athletic Trainers to become licensed in California. Ms. Martin gave an overview of all included documents. Ms. Martin stated that there is a possibility that come this fall the Board may be asked to not only discuss the bill from a legislative point of view but in a broader capacity as well.

Mike Chisar gave background information on the athletic trainers and explained their intent to become licensed in California. Mr. Chisar stated that the athletic trainers may be interested in becoming a committee under the California Board of Occupational Therapy (CBOT) as part of the ultimate goal to become licensed.

Mr. Chisar stated there are approximately 2700 athletic trainers in California, sixteen accredited programs and they currently require a Bachelor's degree.

Discussion ensued regarding the reasons other Board/Bureaus were opposing the athletic trainers becoming licensed.

Discussion ensued regarding Board member concern that out of state athletic trainers would be coming to California to practice from states with lesser standards than California. Mr. Chisar stated that out of state trainers would only be able to work with the group they came to town with.

Mr. Chisar commented that the fact that licensure of athletic trainers (ATs) is not currently required in California, is a consumer protection issue; lack of regulation by the State of California allows unlicensed ATs and those ATs with licenses revoked by another state, the ability to come and work in California without any regulatory oversight.

President, Denise Miller asked Mr. Chisar to provide documentation and facts that establish clear focused information to build the athletic trainers case as to why CBOT should take them on. Ms. Miller stated that a clear delineation would have to be made from a scope of practice stance.

Linda Florey inquired about how this would affect CBOT staff, current services, workload and budget. Jeff Ferro questioned whether CBOT taking on the athletic trainers would diminish consumer protection.

Board members requested that Mr. Chisar provide additional information for the Members to consider, including the benefits and hindrances to CBOT, encouraged the scope of practice language to be not quite so broad. The Board members asked Ms. Martin bring any information Mr. Chisar provides to the next Board meeting for further discussion.

7. Proposed Agenda Items for June 24, 2014, meeting.

- Discussion and consideration of records retention requirement if a business is closed or sold or if the practitioner is no longer in private practice.
- Administrative hearings
- Deadlines of when the Committees meet in regard to the athletic trainers.

8. Public Comment session for items not on the agenda.

There were no public comments.

The Board entered into CLOSED SESSION at 3:16 pm, pursuant to Government Code Section 11126(a)(1), to discuss disciplinary matters.

The Board meeting adjourned at 3:46 pm.